



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 05 2016

Matthew Evans

Springfield, MO 65810

RE: MUR 7046

Dear Mr. Evans:

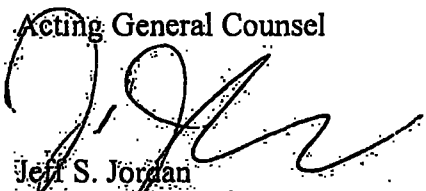
On April 27, 2016, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. On November 30, 2016, based upon the information contained in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 30, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A copy of the dispositive General Counsel's report is enclosed for your information.

If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
General Counsel's Report

140444071

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 7046**

**Complaint Receipt Date: April 21, 2016**

**Response Date(s): May 9, 2016**

**Respondents: Matthew Evans for Congress  
(the "Committee")<sup>1</sup>  
Matthew Evans**

**EPS Rating: [REDACTED]**

**Alleged Statutory**

**Regulatory Violations:**

**52 U.S.C. § 30120(a), (c)**

**11 C.F.R. § 110.11(a)-(c)**

The Complaint alleges that Matthew Evans, a candidate for Missouri's 7th Congressional District, solicited donations on his campaign website without using proper disclaimer notices. Evans responded by acknowledging that the website had not initially contained proper disclaimers, and stating that disclaimers had been added to the website and would be included on all future communications.<sup>2</sup>

All public communications paid for by a political committee and authorized by a candidate, as well as websites of political committees available to the general public, must include a disclaimer clearly stating who paid for the communication.<sup>3</sup> 52 U.S.C. § 30120(a)(1). *See also* 11 C.F.R. § 110.11(a)(1), (b)(1), (c)(1). The available information indicates that Evans's campaign website

<sup>1</sup> Evans states that he was a candidate for the U.S. House of Representatives in the 7th Congressional District of Missouri, although he did not file a Statement of Candidacy with the Commission, nor did the Committee file a Statement of Organization. There is, however, insufficient information as to whether Evans met the definition of a candidate under 52 U.S.C. § 30101(2), and we do not believe it is an efficient use of agency resources to look into this issue further. Public records show that Evans appeared on the ballot for the August 2, 2016, primary election, in which he finished fourth, with just under 5% of the vote. *See* <http://enrarchives.sos.mo.gov/enrmet/PickRace.aspx>. Accessed November 7, 2016.

<sup>2</sup> A review of Evans's website confirms that appropriate disclaimers are present. *See* <http://www.matthewevansforcongress.com>; <http://www.matthewevansforcongress.com/donate1.html>. Accessed November 2, 2016.

<sup>3</sup> Although there is insufficient information to determine if Evans met the definition of a candidate under 52 U.S.C. § 30101(2), for purposes of this analysis, we treat this matter under the same standards as applied to registered congressional candidates.

did not initially include any disclaimers, however, it appears that disclaimers were added soon after Evans became aware of the issue.<sup>4</sup>

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, and the quick remedial action of adding disclaimers to the website, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

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<sup>4</sup> Notification of the Complaint was mailed to Evans on April 27, 2016. Evans responded via email on May 8, 2016, stating that disclaimers had been added to the website.

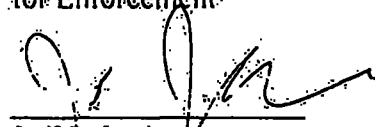
Lisa J. Stevenson  
Acting General Counsel


Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

11.10.16  
Date

BY:

  
Stephen Gura  
Deputy Associate General Counsel  
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Assistant General Counsel  
Complaints Examination  
& Legal Administration

  
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